

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

KAREN TREVILLION

*** CIVIL ACTION NO: 1:20-cv-01059**

VERSUS

*** JUDGE: DAVID C. JOSEPH**

**CONCORDIA BANK AND
TRUST CO.**

*** MAGISTRATE: JOSEPH H L PEREZ-
MONTES**

**MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)
OF CONCORDIA CAPITAL CORPORATION**

NOW INTO COURT, through undersigned counsel, comes Defendant, Concordia Capital Corporation, d/b/a Concordia Bank and Trust Company, (“Concordia”) and moves the Court to dismiss the constructive discharge and retaliation claims of Plaintiff, Karen Trevillion, pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Plaintiff’s constructive discharge and retaliation claims should be dismissed with prejudice because Plaintiff failed to exhaust her administrative remedies, as required under the Americans with Disabilities Act. *Dao v. Auchan Hypermarket*, 96 F.3d 787, 788 (5th Cir. 1996); *Boyd v. Wal-Mart*, No. 1:17-CV-00315, 2018 WL 1788804, at *4 (W.D. La. Mar. 27, 2018), *report and recommendation adopted*, No. 1:17-CV-00315, 2018 WL 1788568 (W.D. La. Apr. 13, 2018).

WHEREFORE, for the reasons discussed in the attached Memorandum in Support, Defendant, Concordia Capital Corporation d/b/a Concordia Bank and Trust Company, respectfully prays that Plaintiff’s constructive discharge and retaliation claims be dismissed with prejudice.

Respectfully submitted:

BREAZEALE, SACHSE & WILSON, L.L.P.

By: /s/ Eve B. Masinter

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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2020 I electronically filed the foregoing Motion to Dismiss with the Clerk of Court by using the CM/ECF system.

/s/ Eve B. Masinter
Eve B. Masinter